

REMARKS/ARGUMENTS

Claims 1-24 are pending in the present application. Claims 1 and 12 have been amended. Claims 1 and 12 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

Interview on October 5, 2004

Applicants wish to thank Examiner Anthony Quash and Supervisory Patent Examiner John R. Lee for taking the time to discuss this application with Applicant's Representative, Jason Rhodes during the personal interview of October 5, 2004. Although no agreement was reached, Applicant now has a newfound understanding of the Examiner's position.

The substance of this interview is provided below.

Substance of the Interview

Identification of Claims Discussed: Claim 1 was discussed.

Identification of References Discussed: Milano et al. (U.S. 5,870,215), German et al. (U.S. 6,007,218), and Palmer et al. (U.S. 5,595,435) were discussed.

General Thrust of Principal Arguments Presented: The combination of elements in claim 1 are neither taught nor suggested by the combination of references.

General Results: No agreement was reached.

Rejection Under 35 U.S.C. § 103

Palmer, German, and Milano

Claims 1-4, 6, 8-16, 18, and 20-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,595,435 to Palmer et al. (hereinafter Palmer) in view of U.S. Patent No. 6,007,218 to German et al. (hereinafter German) and U.S. Patent No. 5,870,215 to Milano et al. (hereinafter Milano). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

M.P.E.P. § 2143.03 sets forth the following requirements for a proper rejection under 35 U.S.C. § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicant respectfully submits that the combination of Palmer, German, and Milano fails to provide a teaching or suggestion of all of the features in the claimed invention.

As amended, independent claims 1 and 12 recite a thermally conductive base composed of a single thermally conductive material whose exterior surface is an exterior surface of the light assembly, and an infrared (IR) light emitting diode attached to the interior surface of the base.

In the Response to Arguments section of the Office Action, the Examiner asserts that German discloses an IR light emitting diode disposed at a thermally conductive base, citing col. 6, lines 15-25; and Fig. 4a (see Office Action at page 13).

However, German specifically discloses a laser diode 38 is attached to an electronic circuit board 45 including various electronic control circuits. German teaches that the electronic circuit board is connected to a copper shell 47, which acts as a heat sink for the laser diode. The copper shell, in turn, is connected to the interior surface of housing base 12. See German at col. 8, lines 11-35; and Figs. 3-4a. Thus, the laser diode 38 is not attached to a base, whose exterior surface is the exterior surface of German's lighting assembly, as required by independent claims 1 and 12.

Furthermore, none of Palmer and Milano remedies this deficiency in German. Palmer discloses that an IR laser diode 24 is attached to a socket area 22 contained within the outer housing 12 and end cap 18 (see Palmer at Fig. 2A; col. 3, line 26 - col. 4, line 6). Furthermore, Fig. 2 of Milano clearly shows that the IR light emitting diode 62 is not attached to the base of the stationary lower portion 50. Thus, the combination of German, Palmer and Milano fails to teach or suggest that an

IR light emitting diode is attached to the inner surface of the base of the assembly, as required by claims 1 and 12.

Furthermore, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine Palmer and German, as proposed by the Examiner, at least for the reasons discussed in pages 8-9 of the previous Reply filed by Applicant on May 17, 2003. For purposes of brevity, Applicant will not repeat these arguments here.

It is respectfully submitted that independent claims 1 and 12 are allowable over the combination of Palmer, German, and Milano at least for the reasons set forth above. Accordingly, Applicant submits that claims 2-4, 6, 8-11, 13-16, 18, and 20-24 are allowable over these references, at least by their virtue on claims 1 and 12. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Meyers and German

Claims 1-4, 6, 7, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,707,595 to Meyers (hereinafter Meyers) in view of German. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As mentioned above, independent claim 1 recites a thermally conductive base, which is composed of a single thermally conductive material, and whose exterior surface is an exterior surface of the light assembly. These claims also recite an IR light emitting diode attached to the interior surface of the base. For reasons discussed above, Applicant respectfully submits that German does not teach or suggest this feature. It is further submitted that Meyers does not teach or suggest the claimed base.

Meyers expressly teaches an invisible light projector 10 having an IR light-emitting diode 30, which is mounted on a circuit board 48. According to Meyers, this circuit board 48 is inserted endwise into a tubular carrier 40. This tubular carrier 40 is located inside of the tubular body 20 of the projector, as disclosed by Meyers in col. 4, lines 27-46 and Fig. 2. As such, Meyer's IR light emitting diode 30 is not attached to any type of base, whose exterior surface is the exterior surface of the light assembly, as required by claim 1.

Accordingly, it is respectfully submitted that claim 1 is allowable over the combination of Meyers and German. Furthermore, Applicant submits that claims 2-4, 6, 7, and 23 are allowable over these references at least by virtue of their

dependency on claim 1. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Meyers, German, and Houseman

Claims 5, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyers and German, and further in view of U.S. Patent No. 4,738,534 to Houseman et al. (hereinafter Houseman). It is respectfully submitted that Houseman fails to remedy the deficiencies of Meyers and German, as set forth above in connection with independent claim 1. Accordingly, it is respectfully submitted that claims 5, 10, and 11 are allowable over Meyers, German, and Houseman, as least by virtue of their dependency on claim 1. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Meyers, German, and Klapper

Claims 8, 12-16, 18-20, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyers and German, and further in view of U.S. Patent No. 5,763,882 to Klapper et al. (hereinafter Klapper). This rejection, insofar as it pertains to the presently pending claims, is traversed.

It is respectfully submitted that Klapper fails to remedy the deficiencies of Meyers and German set forth above with respect to independent claim 1. Accordingly, Applicant submits that claim 8 is allowable over these references, at least by virtue of its dependency on claim 1.

Furthermore, similar to claim 1, independent claim 12 recites a thermally conductive base composed of a single thermally conductive material, whose exterior surface is an exterior surface of the light assembly. For reasons similar to those discussed above in connection with claim 1, this feature is neither taught nor suggested by the combination of Meyers and German. It is also submitted that Klapper fails to remedy this deficiency in Meyers and German. Thus, Applicant submits that claims 12 is allowable over Meyers, German and Klapper, and that claims 13-16, 18-20, and 24 are allowable by virtue of their dependency on claim 12.

Accordingly, reconsideration and withdrawal of this rejection of claims 8, 12-16, 18-20, and 24 is respectfully requested.

Meyers, German, Klapper, and Houseman

Claims 17, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyers, German, Klapper, and

Houseman. For reasons discussed above, Applicant submits that the combination of Meyers, German, and Klapper fails to teach or suggest all of the claimed features of independent claim 12. Furthermore, it is respectfully submitted that Houseman fails to remedy this deficiency. Accordingly, Applicant submits that claims 17, 21, and 22 are allowable over Meyers, German, Klapper, and Houseman at least by virtue of their dependency on claim 12. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

Entry of this Amendment After Final is respectfully requested.


In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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